

111TH CONGRESS  
1ST SESSION

# H. R. 2220

To amend titles V and XIX of the Social Security Act to improve essential oral health care for lower-income individuals under the Maternal and Child Health Program and the Medicaid Program.

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## IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 2009

Mr. ROSS (for himself and Mr. SIMPSON) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend titles V and XIX of the Social Security Act to improve essential oral health care for lower-income individuals under the Maternal and Child Health Program and the Medicaid Program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Essential Oral Health Care Act of 2009”.

6 (b) TABLE OF CONTENTS.—The table of contents of  
7 this Act is as follows:

Sec. 1. Short title; table of contents.

TITLE I—PUBLIC-PRIVATE PARTNERSHIP TO IMPROVE ORAL  
HEALTH ACCESS

Sec. 101. Grants to support volunteer dental projects.

TITLE II—STATE OPTION FOR IMPROVING MEDICAID DENTAL  
SERVICES ACCESS

Sec. 201. Support for ensuring individuals enrolled in Medicaid have dental  
services access equal to the population of the State.

1 **TITLE I—PUBLIC-PRIVATE PART-**  
2 **nership To Improve Oral**  
3 **Health Access**

4 **SEC. 101. GRANTS TO SUPPORT VOLUNTEER DENTAL**  
5 **PROJECTS.**

6 Title V of the Social Security Act (42 U.S.C. 701  
7 et seq.) is amended by adding at the end the following  
8 new section:

9 **“SEC. 511. GRANTS TO SUPPORT VOLUNTEER DENTAL**  
10 **PROJECTS.**

11 “(a) **AUTHORITY TO MAKE GRANTS.**—In addition to  
12 any other payments made under this title to a State, the  
13 Secretary shall award grants to eligible entities as defined  
14 in subsection (b) to purchase portable or mobile dental  
15 equipment and to pay for appropriate operational costs,  
16 including direct health care or service delivery costs, for  
17 the provision of free dental services to underserved popu-  
18 lations that are delivered in a manner consistent with  
19 State licensing laws.

20 “(b) **ELIGIBLE ENTITY.**—An eligible entity under  
21 this subsection is an organization, such as a State or local

1 dental association, or a dental education, dental hygiene  
 2 education or postdoctoral dental education program ac-  
 3 credited by the Commission on Dental Accreditation, or  
 4 a community-based organization that partners with an  
 5 academic institution, that is exempt from tax under sec-  
 6 tion 501(c) of the Internal Revenue Code of 1986 and that  
 7 offers a free dental services program for underserved pop-  
 8 ulations.

9 “(c) APPLICATION.—An institution desiring a grant  
 10 under this section shall submit an application to the Sec-  
 11 retary in such manner as the Secretary may require.

12 “(d) AUTHORIZATION OF APPROPRIATIONS.—There  
 13 are authorized to be appropriated to make grants under  
 14 this section \$3,000,000 for each of fiscal years 2010  
 15 through 2014.”.

## 16 **TITLE II—STATE OPTION FOR** 17 **IMPROVING MEDICAID DEN-** 18 **TAL SERVICES ACCESS**

19 **SEC. 201. SUPPORT FOR ENSURING INDIVIDUALS EN-**  
 20 **ROLLED IN MEDICAID HAVE DENTAL SERV-**  
 21 **ICES ACCESS EQUAL TO THE POPULATION OF**  
 22 **THE STATE.**

23 (a) IN GENERAL.—Section 1903 of the Social Secu-  
 24 rity Act (42 U.S.C. 1396b) is amended by adding at the  
 25 end the following new subsection:

1       “(aa) EQUAL ACCESS TO ORAL HEALTH CARE  
2 PLAN.—

3               “(1) INCREASE IN FMAP FOR STATES IMPLE-  
4 MENTING APPROVED EQUAL ACCESS REQUIRE-  
5 MENTS.—In order to ensure adequate provider par-  
6 ticipation in the plan under this title and to ensure  
7 that individuals covered by the plan have access to  
8 oral health care services to the same extent as such  
9 services are available to the population of the State,  
10 subject to paragraph (3), in the case of a State that  
11 obtains the Secretary’s approval for its plan under  
12 this title to incorporate, and to implement, the re-  
13 quirements specified in paragraph (2), notwith-  
14 standing section 1905(b), the Federal medical assist-  
15 ance percentage applied under the plan with respect  
16 to expenditures for dental and oral health services  
17 for individuals covered under the plan shall be in-  
18 creased by 25 percentage points, but not to exceed  
19 90 percent, at the time the approved plan is imple-  
20 mented.

21               “(2) PROVIDER PARTICIPATION AND ACCESS  
22 REQUIREMENTS.—The requirements specified in this  
23 paragraph for a State are that the State provides  
24 the Secretary with assurances regarding each of the  
25 following:

1           “(A) Individuals covered by the State plan  
2           have access to oral health care services to the  
3           same extent as such services are available to the  
4           population of the State.

5           “(B) Payment for dental services for indi-  
6           viduals covered by the State plan is made at  
7           levels consistent with market-based rates.

8           “(C) No fewer than 35 percent of the prac-  
9           ticing dentists (including a reasonable mix of  
10          general dentists, pediatric dentists, and oral  
11          and maxillofacial surgeons) in the State partici-  
12          pate (whether directly or through a plan pro-  
13          viding dental services) under the State plan and  
14          there is reasonable distribution of such dentists  
15          serving the covered population.

16          “(D) Administrative barriers under this  
17          title are addressed to facilitate such provider  
18          participation, including improving eligibility  
19          verification, ensuring that any licensed dentist  
20          may participate in a publicly funded plan with-  
21          out also having to participate in any other plan,  
22          simplifying claims forms processing, assigning a  
23          single plan administrator for the dental pro-  
24          gram, and employing case managers to reduce  
25          the number of missed appointments.

1           “(E) Demand for services barriers under  
2           this title is addressed, such as educating care-  
3           givers regarding the need to seek dental serv-  
4           ices and addressing oral health care literacy  
5           issues.

6           “(3) 3-YEAR REVIEW.—Beginning 3 years after  
7           the date of the enactment of this section and every  
8           3 years thereafter the Secretary shall evaluate the  
9           impact of the increase in the Federal medical assist-  
10          ance percentage under this subsection on the rate of  
11          participation of dentists and the use of dental serv-  
12          ices under the State plan. If the Secretary deter-  
13          mines that the increase in such percentage has not  
14          resulted in a commensurate increase in such partici-  
15          pation and use rate, as determined in consultation  
16          with the State involved, paragraph (1) shall no  
17          longer apply in such State.”

18          (b) EFFECTIVE DATE.—The amendment made by  
19          this section shall apply to expenditures in calendar quar-  
20          ters beginning on or after October 1, 2009.

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